

**SUNNYSIDE ORCHARDS NO. 3, BLOCK 10, LOT 24, AP (GREER)  
FOUR-LOT MINOR SUBDIVISION**

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:** Tristan Riddell *TR*

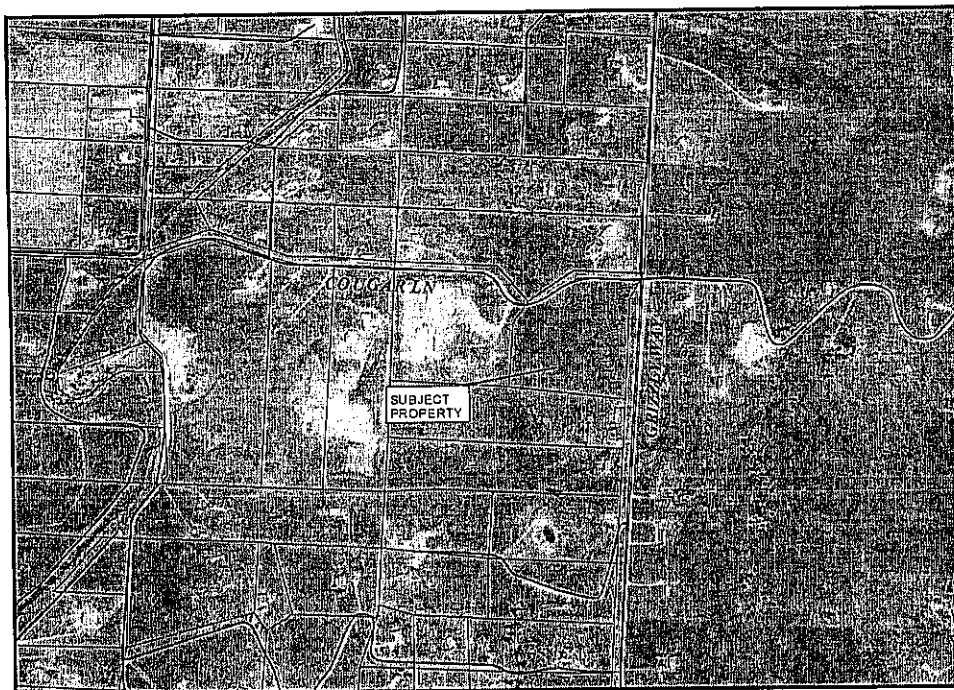
**REVIEWED/  
APPROVED BY:** Renee Van Hoven

<b>PUBLIC HEARINGS/ MEETINGS:</b>	RCPB Public Hearing:	January 3, 2007
	Deadline for PB recommendation to BCC:	February 7, 2007
	BCC Public Meeting:	TBD
	Deadline for BCC action (35 working days):	February 23, 2007

**APPLICANT/OWNER:** Dan Greer  
PO Box 581  
Florence, MT 59833

**REPRESENTATIVE:** Kammerer Environmental Consulting, LLC, 777-5452  
PO Box 134  
Stevensville, MT 59870

**LOCATION OF REQUEST:** The property is located northeast of Stevensville at the intersection of Grizzly Way and Cougar Lane. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

The Sunnyside Orchards No. 3, Block 10, Lot 24, AP is located in the SE ¼ of Section 12, T9N, R20W and the SW ¼ of Section 7, T9N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was deemed complete on December 13, 2006. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-3 of the staff report.

**LEGAL NOTIFICATION:**

A legal advertisement was published in the Ravalli Republic on Tuesday, December 19, 2006. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked December 13, 2006. No public comments have been received to date.

**DEVELOPMENT  
PATTERN:**

Subject property	Vacant
North	Large lot residential
South	Large lot residential
East	Large lot residential
West	Large lot residential and gravel pit

RAVALLI COUNTY PLANNING BOARD

JANUARY 3, 2007

SUNNYSIDE ORCHARDS NO. 3 BLOCK 10, LOT 24, AP  
FOUR-LOT MINOR SUBDIVISION

**RECOMMENDED MOTION**

That the Sunnyside Orchards No. 3, Block 10, Lot 24, AP Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

***Limitation of Access onto a County Road.*** A "no ingress/egress" restriction is located along the Grizzly Way frontage of the subdivision, which precludes vehicular access onto this County-maintained road, excepting the approved approach for the internal subdivision road. This limitation of access may be lifted or amended with approval of the County. (*Effects on Local Services*)

***Notification of Road Maintenance Agreement.*** Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision road or the portion of Cougar Lane leading from the subdivision to Grizzly Way, and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

***Notification of No-Build/Alteration Zone.*** Within this subdivision there is a no-build/alteration zone on Lots 24A and 24D, as shown on the plat, to restrict building within a natural drainage way. No new structure, with the exception of fences, may be constructed in this area. (*Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety*)

***Notification of Proximity to Unnamed Drainage.*** An unnamed intermittent creek is located along the western boundary of this subdivision. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. (*Effects on Public Health and Safety*)

***Notification of Severe Soils.*** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

***Living with Wildlife.*** (See FWP letter in Application packet for required provisions.) *(Effects on Agriculture, Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)*

***Waiver of Protest to Creation of RSID/SID.*** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

***Required Posting of County-Issued Addresses for Lots within this Subdivision.*** The Three Mile Fire District has adopted the Uniform Fire Code (UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the accessing road as soon as construction on the residence begins. *(Effects on Local Services and Public Health and Safety)*

***Access Requirements for Lots within this Subdivision.*** All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. *(Effects on Local Services and Public Health and Safety)*

***Primary Heat Source.*** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

***Lighting for New Construction.*** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. *(Effects on Public Health and Safety)*

***Control of Noxious Weeds.*** Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

***Radon Exposure.*** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*
4. The final plat shall show a no ingress/egress zone along the Grizzly Way frontage of the subdivision, excepting the approved approach for the internal subdivision road. *(Effects on Local Services)*
5. The applicant shall provide for an additional five feet of public road and utility easement along the Grizzly Way and Cougar Lane frontages of the subdivision on the final plat. *(Effects on Local Services)*
6. The applicant shall install a stop sign on the internal subdivision road at the intersection with Cougar Lane prior to final plat approval. *(Effects on Local Services and Public Health and Safety)*
7. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the applicant can contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval. *(Effects on Local Services and Public Health and Safety)*
8. The applicant shall provide evidence that \$250 per lot has been contributed to the Stevensville School District prior to final plat approval. *(Effects on Local Services)*
9. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Public Health and Safety)*
10. A no-build/alteration zone shall be shown on the final plat extending 25 feet on both sides of the unnamed drainage located along the western boundary of the property. *(Effects on the Natural Environment and Public Health and Safety)*

## **INTRODUCTION**

The Sunnyside Orchards No. 3, Block 10, Lot 24, AP Minor Subdivision is a four-lot subdivision of 8.71 acres located northeast of Stevensville. The property is currently vacant and located in an area with a fair amount of residential use. All lots will utilize individual wells and septic systems. There is an unnamed natural drainage way that traverses the western boundary of the property.

*Staff recommends conditional approval of the subdivision proposal.*

## SUBDIVISION REPORT

### COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

#### CRITERION 1: EFFECTS ON AGRICULTURE

##### Findings of Fact:

1. The proposed minor subdivision on 8.71 acres will result in four lots that range in size from 1.96 to 2.55 acres. The property is located approximately 3 miles northeast of the Town of Stevensville.
2. There are no soils classified as Prime Farmland or Farmland of Statewide Importance on the property.
3. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (Conditions 1 & 2)

##### Conclusion of Law:

With the recommended mitigating conditions, impacts of this subdivision on surrounding agricultural practices will be minimized.

#### CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

##### Findings of Fact:

1. There are no water rights associated with this property.
2. There are no ditches or streams traversing this property.

##### Conclusion of Law:

There are no known impacts to agricultural water user facilities.

#### CRITERION 3: EFFECTS ON LOCAL SERVICES

##### Findings of Fact:

1. Grizzly Way and Ambrose Creek Road are County-maintained roads that provide access to the subdivision and do not meet County Standards. A requirement of final plat approval is that the developer pays the pro-rated share of the cost to improve the portion of Grizzly Way and Ambrose Creek providing access to the subdivision.
2. Cougar Lane is a private road that will serve the lots within the subdivision. The developer is required to improve the portion of this road from the access of the internal subdivision road to Grizzly Way to meet County Standards. The developer has provided road and grading and drainage plans that have been approved by the Ravalli County Road & Bridge Department (RCRBD) for this portion of Cougar Lane.
3. To mitigate impacts on the local road system, a no ingress/egress zone shall be placed along the Grizzly Way frontage of the subdivision, excepting the approach for the internal road. A notification of the no ingress/egress zone shall be included in the Notifications Document filed with the final plat. (Conditions 1 and 4)
4. To mitigate impacts on local services, the applicant shall provide for an additional five feet of public road and utility easement along the Grizzly Way and Cougar Lane frontages of the subdivision. (Condition 5)
5. A General Discharge Permit for storm water associated with the construction activities from the Montana Department of Environmental Quality (if required), a road name petition approved by the Ravalli County GIS Department, final road plans approved by the Ravalli County Road and

6. To mitigate impacts on local services, notification of the road maintenance agreement shall be filed with the Notifications Document. (Condition 1)
7. To mitigate impacts on local services, the subdivider shall install a stop sign on the internal subdivision road at the intersection with Cougar Lane prior to final plat approval. (Condition 6)
8. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
9. Individual wells and wastewater treatment systems are proposed for lots within this subdivision.
10. Bitterroot Disposal provides service to this site.
11. The Stevensville School District was notified of the subdivision proposal. In a letter dated December 19, 2006, Stevensville Public Schools Superintendent, Dennis Kimzey stated that the economic impact of the subdivision on the School District would be \$30,000 (Exhibit A-1). The subdivider has offered to donate an amount of \$250 per lot to the school district. To mitigate impacts on local services, the developer shall provide evidence that a \$250 per lot contribution has been made to the school district is required prior to final plat approval. (Condition 8)
12. The Three Mile Rural Fire District has provided the County with their general policy recommendations (Exhibit A-2). The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2 & 7)
13. The Ravalli County Sheriff's Office provides law enforcement services to this area.
14. Public Services are adequate to serve this subdivision.

**Conclusion of Law:**

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

**CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

**Findings of Fact:**

1. There is an unnamed natural drainage way that traverses the western boundary of the property. To mitigate impacts on the natural environment, specifically the unnamed drainage, a no-build/alteration zone encompassing 25 feet, as recommended in a letter dated June 20, 2005 from Montana Fish, Wildlife and Parks (FWP) (Exhibit A-3), on either side of the drainage way as shown on the preliminary plat, shall be shown on the final plat and notifications of the no-build/alteration zone and proximity to the unnamed drainage shall be included in the Notifications Document. (Condition 1 and 10)
2. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur. A Certificate of Subdivision Plat Approval from Montana DEQ has been provided and is required to be submitted with the final plat. (Application)
3. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)
4. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board.



prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

**CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. The FWP comment letter dated June 20, 2005 (Exhibit A-3) recommends Living with Wildlife provisions in the covenants for this subdivision. The comment letter also recommends that a no-build/alteration zone within 25 feet on either side of the natural drainage traversing the western property boundary be shown on the final plat. To mitigate impacts on wildlife and wildlife habitat, the FWP recommended provisions shall be included in the covenants and a no-build/alteration zone to protect the natural drainage shall be shown on the final plat. (Conditions 1 and 2)

Conclusion of Law:

With the conditions of approval, impacts of the proposed subdivision on wildlife will be reduced.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

Findings of Fact:

1. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2 & 7)
2. An unnamed drainage traverses the western portion of the property and a 25-foot no-build/alteration zone shall be placed on either side of the drainage. In order to mitigate impacts on public health and safety, notifications of the no-build/alteration zone and the proximity to the unnamed drainage shall be included in the Notifications Document and the no-build/alteration zone shall be shown on the final plat. (Conditions 1 & 10)
3. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat. (Condition 1)
4. Lots will be served by individual wells and wastewater treatment systems. (Natural Environment)
5. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2 & 9)
6. To mitigate impacts on public health and safety, the subdivider shall install a stop sign on the internal subdivision road at the intersection with Cougar Lane prior to final plat approval. (Condition 6)
7. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)

8. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)
9. According to the subdivision application, there are no other known hazards that are on or adjacent to the property that may significantly affect public health and safety.

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

**COMPLIANCE WITH:**

**1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan that complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

**3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

**CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

Findings of Fact:

1. The application states the property is not located within a voluntary zoning district.
2. The proposal is in compliance with the interim zoning ordinance, which limits residential development to a density of 1 dwelling per 2 acres.
3. There are no existing covenants on the property.

Conclusion of Law:

The proposal is in compliance with zoning and covenants do not apply to this property.

**PROVISION OF EASEMENTS FOR UTILITIES**

Findings of Fact:

1. The plat indicates utility easements are located along Grizzly Way and Cougar Lane.
2. According to the application, the proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Telephone. Utility companies have been notified of the proposed subdivision and no comments have been received to date.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

**PROVISION OF LEGAL AND PHYSICAL ACCESS**

Finding of Fact:

Physical and legal access for this subdivision is proposed via Eastside Highway, Ambrose Creek Road, Grizzly Way, Cougar Lane and the internal subdivision road. (*Local Services*)

Conclusion of Law:

With the conditions of approval, the proposal meets physical and legal access requirements.



# EXHIBIT A-1

DEC 13 2006  
IC-06-12-1927  
Ravalli County Planning Dept

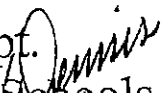
Tristan Riddell  
Ravalli County Planning Dept.  
215 South Fourth Street, Suite F  
Hamilton, Montana 59840

Dec. 19<sup>th</sup>, 2006

Tristan:

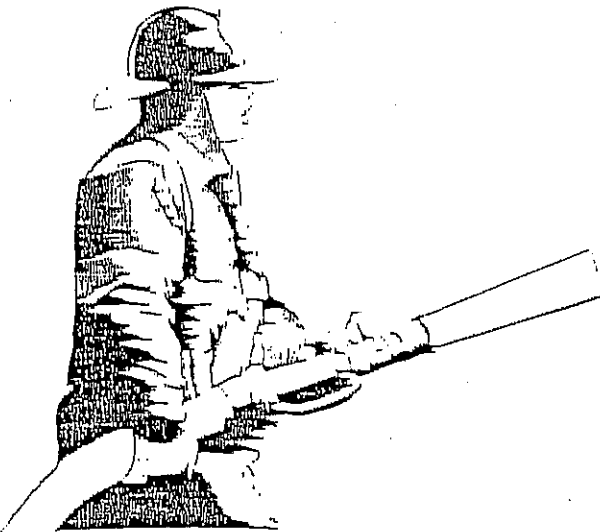
Thank you for sending information regarding the Greer Minor Subdivision. Our Stevensville Public Schools will provide school bus service to the area, but please keep in mind our buses will travel only on county/state maintained roads. The feasibility of six youngsters entering our system will have a financial impact of \$30,000.

Thanks again Tristan. Best wishes to you and your family for an enjoyable Christmas season.

Dennis Kimzey, Supt.   
Stevensville Public Schools

RECEIVED

JUN 16 2004



THREE MILE FIRE DISTRICT  
 1004 THREE MILE CTR. RD.  
 STEVENSVILLE, MT 59870  
 ATTN: CHIEF GIESE

June 16, 2004

IC 04 08 934

FLAVALLI COUNTY PLANNING OFFICE  
 215 4th Street, Suite F  
 HAMILTON, MT 59840

The Three Mile Fire District has established the following requirements for new proposed subdivisions within its district. The requirements were established with consideration for life safety of the residence of the district as well as the Volunteers who are called upon to protect the district and to mitigate harm to the public health and environment.

When establishing the requirements, emphasis was given to the Uniform Fire Code, Articles 9 and 10, and Appendix III-A, The Ravalli County Subdivision Regulations, The Ravalli County Road Department standards and the 1995 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the UFC ( Uniform Fire Code ) and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given them in the above mentioned publications.

The Fire Department requires that all roads and bridges meet or exceed and are maintained to the requirements of the Uniform Fire Code ( UFC ) section 902, which reads in part:

902.2.1 Required access. Fire apparatus roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet ( 45720 mm ) from fire apparatus access as measured by an approved route around the exterior of the building or facility....

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet ( 6096mm ) and an unobstructed vertical clearance of not less than 13 feet 6 inches ( 4115mm )....

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief. { The chief accepts the Resolution approved by the Board of County Commissioner of Ravalli County. The Resolution sets the maximum acceptable road grade for acceptance for a road by the County for dedication and maintenance at six percent (6%). }

While not all parts of the UFC section 902 are listed above, it is the responsibility of the Subdivision developer to construct and maintain all fire apparatus access roads to comply with all aspects of the UFC and Ravalli County Standards.

The fire district requires that all lots ( premises ) meet the requirements of UFC 901.4.4 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above UFC.

#### WATER SUPPLY REQUIREMENTS:

The water supply required by the Uniform Fire Code for one and two family dwellings, not exceeding 5000 square feet, requires a flow rate of 1000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guild lines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2500 gallons per lot.

The Three Mile Fire District currently has an ISO Class 8 Residential rating which requires a water flow of 200 gallons per minute for a duration of 20 minutes or a total flow of 4000 gallons per residence.

Considering the above information the Fire District will accept a water supply of 1000 gallons per minute or 2500 gallons per lot of stored water. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a payment of \$ 500.00 ( Five Hundred dollars and no/100 ) per lot, in lieu of the water supply required by the UFC. The Fire District will then upon its elective purchase fire fighting apparatus or develop water supplies.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the above listed water supply and payment schedule may be reduced by 50%. The Subdivision Covenants must state that A. All residences constructed within the subdivision be completely protected with an approved automatic sprinkler system. @ Payment for the reduced amount of \$ 250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built without an approved sprinkler system within the subdivision, all lots will be subject to an additional \$ 250.00 dollar payment, regardless whether they have sprinklered residences located on them or not.

If you have any questions regarding the above listed requirements, please feel free to contact me at (406) 777-2749. I am willing to meet with you on your proposed site to review the above requirements or discuss life safety issues.

Sincerely,

Russel R. Giese  
Three Mile Fire District Chief





Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3099  
406-542-5500  
June 20, 2005

Susan Vieth  
Kammerer Environmental Consulting, LLC  
PO Box 134  
Stevensville, MT 59870-0134

Dear Ms. Vieth:

Reference: Sunnyside Orchards, Lot 24 (#3, Blk 9; Geer)--Proposed minor (4 lots on 8.7 acres) subdivision, NNE of Stevensville

We have reviewed the location map and the reduced portion of the site plan (with elevation lines) for this subdivision, and our comments follow.

This subdivision is within one-half mile of irrigated agricultural fields and is located on the slope leading up to the North Bench. There is a likelihood of human/wildlife interactions at this location; in particular, wildlife such as white-tailed deer, coyote, fox and skunk are found in the area, as well as a possible black bear or mountain lion. Numerous small mammal and bird species could be found nearby, as well as nesting birds. We recommend that "living with wildlife" issues be conveyed to future landowners for this subdivision, preferably as a development covenant in order to help homeowners deal with and avoid potential wildlife issues.

We note the "drainage ditch" that is labeled on the plan, along the west edge of the subdivision. However, the US Geological Survey topographic map depicts this as an unnamed intermittent drainage associated with the topography of this site and originating about one-half mile to the south (in Sec. 13 NE4), and that it drains northward through the edge of this subdivision and beyond. We recommend consideration of labeling it as a "natural drainage course" on the plat. We also recommend depicting a "no build/no alteration" buffer of about 25-feet on either side of the natural drainage to be shown on the plat, in order to help protect the function of this natural drainage feature and to encourage development of native vegetation, thus helping to avoid erosion here and downhill from this site.

Attached is our recommended version of the covenants for this subdivision. Thank you for providing the opportunity for MFWP to comment on this subdivision.

Sincerely,

Mack Long  
Regional Supervisor

ML/sr

## Section \_\_: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bears, mountain lions, coyotes, foxes, skunks and magpie. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for help or brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

1. There is the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
2. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe and rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
3. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners should be aware that deer might occasionally attract mountain lions to the area.
4. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
5. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for

dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).

6. **Pet food and livestock feed** should be stored indoors, in enclosed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, and magpies. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
7. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
8. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.
9. **Bird feeders** could attract bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
10. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

